



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: February 18, 2013

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| Reference Name | Montclair (A1200005) | | Jurisdiction | City |
| Applicant | Weekley Homes, LLC | | | |
| Request Change in Comprehensive Plan Designation | From: | Very-Low Density Residential (2 DU/Acre or Less) | | |
| | To: | Low Density Residential (4 DU/Acre or Less) | | |
| Site Characteristics | Tier: | Suburban | | |
| | Present Use: | Vacant | | |
| | Present Zoning: | RR (Rural Residential) | | |
| | Overlays: | F/J-B (Jordan Lake Protected Area) | | |
| | Size: | 19.43 acres | | |
| Location | West of the intersection of Barbee Chapel Road and Farrington Mill Road | | | |
| PIN(s) | 0707-01-27-3502; -6476 | | | |
| Recommendations | Staff | Denial, based on the request not being justified and failing to meet the four criteria for plan amendments. | | |
| | Planning Commission | Approval, December 11, 2012, 9-4, based on the justification and information heard at the public hearing. | | |

A. Summary

The applicant, Weekley Homes, LLC, proposes to amend the Future Land Use Map west of the intersection of Barbee Chapel Road and Farrington Mill Road in the Suburban Tier. The proposal would change the future land use designation from Very Low Density Residential (2 DU/Ac. or Less) to Low Density Residential (4 DU/Ac. or Less) for approximately 19.43 acres. The site is within the Jordan Lake Protected Area (F/J-B); however, it adjoins the Jordan Lake Critical Area (F/J-A) to the south. The site is currently located within Durham County jurisdiction; however, the applicant is seeking annexation into the City of Durham as well as a zoning map change (Z1200013).

B. Site History

The Future Land Use Map of the *Triangle Township Plan*, adopted by the City Council and Board of County Commissioners in 1993, designated the subject parcels as Rural Density Residential (Less than 1 Unit per Acre).

C. Existing Site Characteristics

The site of the proposed plan amendment includes two vacant parcels with access onto Farrington Mill Road and Barbee Chapel Road. To the north across Barbee Chapel Road is the Little Creek Bottom Lands and Slopes, land owned by the Army Corps of Engineers (the "Corps") which has been identified as a Significant Natural Heritage Area by the North Carolina Department of Natural Resources (NC DENR). According to the most recent inventory mapping by the NC DENR, the significant natural heritage area extends across Barbee Chapel Road and impacts a small portion of the subject site. There are no known water features or steep slopes on site.

D. Applicant's Plan Amendment Justification

The applicant contends the proposed use (Low Density Residential) is more compatible with surrounding land uses and/or designated future land use patterns. The applicant points toward "existing land uses to the northwest, northeast, and west [that] include developments with residential densities of 2 to 4 units/acre as well as existing churches and schools that are considered more intense land uses." Additionally, the applicant argues the proposed future use would "support an orderly fashion of development ... and would not create a pattern of leapfrogging or scattered development within the UGA [Urban Growth Boundary]."

Staff Response: Staff disagrees with the applicant that there are circumstances unique to this site warrant a change in Future Land Use Policy.

- The adopted policy of Very Low Density Residential establishes an appropriate transition between residential neighborhoods to the northeast and northwest developed between 2 and 4 units per acre and areas south of the subject site, which are largely protected open spaces and rural residential.
- While the applicant accurately points out that there are developments to the northeast and northwest of the site built at densities ranging from 2 units per acre to 4 units per acre, these developments are non-contiguous to the site and do not meet the intent of *Policy 2.3.1b., Contiguous Development*.
- The broader land use policy demonstrated by the Future Land Use Map establishes very low impact development nearest to important natural resources, with development intensities increasing farther away. Additional density on the subject site would disrupt that underlying pattern and could encourage higher densities in areas south of Barbee Chapel Road in the Suburban Tier.

A further examination of the applicant's request that this site be designated as Low Density Residential (4 DU/Ac. or Less) follows.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

1. Consistency with Adopted Plans and Policies

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. One theme found throughout the Plan is the protection of important natural resources and their ecosystem functions including wildlife habitat, water supplies, and tree/forest canopy. Goals, objectives, and policy statements in support of this overall theme are listed in Table 1 below. In general, preservation of natural resources can be beneficial in a number of ways. It can:

- Generate economic returns from ecosystem services, such as clean water, clean air, carbon sequestration, climate regulation, and flood control;
- Improve public health by maintaining quality drinking water and reducing air pollution;
- Attract growing numbers of businesses that prioritize environmental quality and natural amenities when deciding where to relocate; and
- Increase tourism to nature-based recreation opportunities.

| Table 1: Goals, Objectives, Policies in support of protecting natural resources |
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| <i>Goal 7.1 Natural Environment.</i> Provide a high quality natural environment. Minimize undesirable effects from development on air quality, water quality, and natural resources. Protect and preserve floodplains, natural inventory sites, and open space. |
| <i>Policy 7.1.6b. Development Review and the Natural Heritage Inventory.</i> The City-County Planning Department and other City and County Departments shall review development proposals in relation to the Natural Heritage Inventory to preserve Natural Heritage Inventory sites and encourage new developments to avoid the sites by using infill development, planned developments, cluster developments, conservation-by-design subdivisions, and other means. |
| <i>Objective 9.1.4. Water Supply Protection.</i> Protect water supply sources from water quality |

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| degradation by maintaining low intensity land uses on land near water supply reservoirs, reducing the risk of pollution from stormwater running off impervious surfaces, and by reducing the risk of discharge of hazardous and toxic materials into the natural drainage systems tributary to drinking water reservoirs. |
| <i>Policy 9.1.4a. Low Intensity Land Uses.</i> The City-County Planning Department and the City-County Inspections Department shall use the Unified Development Ordinance to maintain and enforce land use restrictions around water supply reservoirs. |
| <i>Policy 2.3.1b. Contiguous Development.</i> Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patters of leapfrog, noncontiguous, scattered development. |

As many of the goal, objective and policy statements listed in Table 1 indicate, Durham’s land use strategy for achieving these goals is to establish the lowest impact development nearest to important natural resources, with development intensities increasing farther away. The proposed plan amendment would increase allowed density on this site, and is therefore inconsistent with these policies. Furthermore, approval of this plan amendment would set a precedent of non-contiguous and higher intensity development in this environmentally sensitive area.

Staff Conclusion: This proposed plan amendment is inconsistent with adopted plans and policies, and therefore, does not meet criterion 3.4.7A.

2. Compatibility with Existing Development and Future Land Use Patterns

This site is in southern Durham County west of the intersection of Farrington Mill Road and Barbee Chapel Road. The site adjoins the boundary between the Suburban Tier and the Rural Tier, which also forms the boundary between the Jordan Lake Protected Watershed (F/J-B) and the Critical Watershed (F/J-A). There are several pockets of suburban residential neighborhoods, including Southpoint Manor, Chapel Wood and Downing Creek, in the vicinity; however, the majority of the surrounding area remains either protected open space, undeveloped, or very large lot residential.

| Table 2: Area Land Uses and Designations | | |
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| | Existing Uses | Future Land Use Designations |
| North | Permanent open space (Corps) | Recreation and Open Space |
| East | Religious institutional, Permanent open space (Corps), Rural density residential | Very Low Density Residential Rural Density Residential Recreation and Open Space |
| South | Rural density residential, Agriculture | Rural Density Residential |
| West | Vacant, Rural density residential | Very Low Density Residential |

Existing Uses: The site of the proposed plan amendment is bordered to the north by the Little Creek Bottom Lands and Slopes; to the east by a church, low density

residential and protected open space; to the south by rural density residential and land used for agricultural purposes; and to the west by rural density residential and vacant, undeveloped land.

Future Land Use Designations: All land immediately adjacent to the proposed site is designated as either Recreation and Open Space, Very Low Density Residential (2 DU/Ac. or Less), or Rural Density Residential (0.75 DU/Ac. or Less).

Analysis: While this site is within the Suburban Tier and the Jordan Lake Protected Watershed (F/J-B), it is clear the policy intention for the area south of Barbee Chapel Road is to act as a transition between traditional suburban subdivisions to the north and the critical watershed to the south. An isolated pocket of higher density development that adjoins important open space is not compatible with the existing or anticipated land use patterns.

Staff Conclusion: The proposed plan amendment is incompatible with the existing land use pattern and designated future land uses in the area and, therefore, does not meet criterion 3.4.7.B.

3. Adverse Impacts

Infrastructure:

A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a, Infrastructure Capacity*, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas. More detailed information follows; however, it is important to note that the impacts are measured based on the maximum potential impact, and not specifically what is proposed to be built.

Durham Comprehensive Plan Policy 8.1.2a, Traffic Level of Service (LOS) Standards, states that the LOS for roads in the Suburban Tier shall achieve a minimum of LOS D.

Analysis: The major roads impacted by the proposed change in future land use are Farrington Mill Road and Barbee Chapel Road. Farrington Mill Road is currently a 2 lane roadway without left-turn lanes. The impacted segment is designed to accommodate 11,900 average daily trips (ADT), and according to the most recent traffic volume count (2011) there were 8,600 annual average daily trips (AADT) (72% of capacity). Barbee Chapel Road is also a two lane roadway without left-turn lanes designed to accommodate 11,900 average daily trips. According to the most recent traffic volume counts there were 11,000 annual average daily trips (92% of capacity). Development under the proposed Low Density Residential designation would likely result in more traffic than the existing Very Low Density Residential designation; however, the roads studied appear to have sufficient capacity to accommodate the proposed designation without violating this policy for Level of Service. However, should the development pattern and allowable density increase for this portion of the

County south of Barbee Chapel Road, it is very likely that traffic volume would soon eclipse level of service standards.

A detailed assessment of traffic impacts and commitments is included in the zoning map change staff report. Opportunities to access current and planned transit service by foot or bicycle do not exist at this site.

Durham Comprehensive Plan Policy 7.1.7a., Water Demand Generation Rates, states the City-County Planning Department shall consider the impact of proposed zoning and plan amendment changes on water demand.

Analysis: Development allowed under the proposed plan amendment is estimated to generate a maximum demand for water of 11,935 gallons per day (GPD). This represents an increase of water demanded by approximately 6,045 GPD from what development with the adopted designation would allow. Durham has sufficient capacity in water supply to accommodate the proposed changes in designation.

| Table 3: Water Supply Impacts | |
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| Current Water Supply Capacity | 37.00 MGD |
| Present Usage | 28.06 MGD |
| Committed to Date (July 2009-June 2012) | 0.70 MGD |
| Available Capacity | 8.24 MGD |
| Maximum Water Demand Under Adopted Very Low Density use ¹ | 5,890 gallons/day |
| Maximum Water Demand Under Proposed Low Density use ² | 11,935 gallons/day |
| Impact of Proposed Plan Amendment | 6,045 gallons/day |
| Notes: MGD = Million gallons per day | |
| ¹ Maximum water demand of the adopted Future Land Use (38 single-family units) | |
| ² Maximum water demand of the proposed Future Land Use (77 single-family units) | |

Future Demand for Land Uses:

Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: The intent of this policy is to ensure that sufficient land is available to meet the future demand for housing. The Planning Department estimates that by 2035 there will be demand for 189,000 dwelling units county-wide. On the Future Land Use Map, enough land is designated to accommodate 225,000 dwelling units, meaning there is a surplus of land already designated for residential uses. Increasing residential density at this location does not influence the City's and County's ability to supply adequate residential land for expected population growth.

Environment:

The site is adjacent to a Natural Heritage Inventory area identified as the Little Creek Bottom Lands and Slopes and used by the Army Corps of Engineers for flood control purposes. While a small portion of the Significant Natural Heritage Area overlays this site, more recent analysis indicates that the depicted boundary provided by the state includes a buffer offset from the floodplain located on the northern side of Barbee Chapel Road. Therefore, there is no ordinance or policy guidance applied to this site in regards to the Natural Heritage Inventory. Staff has determined there are no site specific conditions that would preclude it from developing according to standards for environmental protection found in the Unified Development Ordinance.

Staff Conclusion: This site is currently non-contiguous with Durham City Limits. If the requested annexation into the City of Durham is approved, irregular patterns for service provision, including solid waste collection and police protection, would exist. Approval of the plan amendment would also prompt the introduction of sewer infrastructure into the area south of Barbee Chapel Road, which enables development to occur at higher densities. While staff is confident regulations in the Unified Development Ordinance are adequate in mitigating the environmental impact of development, other impacts from this and other potential higher density developments in this area could be detrimental to this area and the City as a whole.

The proposed plan amendment would create adverse impacts beyond that already allowed by the adopted Future Land Use Map in the adjacent area or in the City or County in general and, therefore, does not meet criterion 3.4.7.C.

4. Adequate Shape and Size

The area requested for amendment is approximately 19.43 acres in total, and is of sufficient shape and size for residential development in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Friends of Durham
- Inter-Neighborhood Council
- Town of Chapel Hill
- Jordan Lake Resource Management
- Downing Creek
- Unity in the Community for Progress
- Fayetteville Street Planning Group

G. Recommendations

Staff recommends denial, based on the request not being justified and failing to meet three of the four criteria for plan amendments.

The Planning Commission recommended approval, based on the justification and information heard at the public hearing, 9-4, on December 11, 2012.

H. Staff Contact

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I. Attachments

Attachment 4B: Comprehensive Plan Proposed Change

Attachment 4C: Comprehensive Plan Amendment Context Map

Attachment 4D: Applicant's Comprehensive Plan Amendment Justification Statement

Attachment 4E: Planning Commission's Written Comments, December 11, 2012 Meeting

Attachment 4F: Comprehensive Plan Amendment Resolution